



[Secular Coalition for Maryland](http://secular.org) Secular Coalition for
America <http://secular.org>

February 13, 2020

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

Re: SUPPORT HB590 (SB230) Criminal Law – Sexual Crimes – Repeal of Spousal Defense
(Love Is No Defense to Sexual Crimes)

Chairman and Members of the Committee

The Secular Coalition for Maryland favors removing the improper and archaic provisions in Criminal Law Section 3–318 that prevent people who commit the crime of rape or sexual assault from being prosecuted when the victim is the spouse of the perpetrator.

17th-century British common law declared that when the wife signed the marriage contract she automatically conferred unqualified consent forever thereafter to the husband having sex with her. It is a fiction that everyone consents forever in advance from the first day of marriage. Some people cite 1 Corinthians 7:3–5 to defend the existing law. False justifications and the Bible can be convenient anchors for unjust law. Until recently all fifty states followed this legal tradition and explicitly rejected marital rape as a crime. Today those state laws are mostly gone and either spouse can request a divorce if their partner persists in refusing to consent to sex. It is time for Maryland to repeal this law so that the law as written acknowledges that respectful mutual consent is a reasonable and proper secular legal requirement both within and outside of marriage.